

REMARKS

Claims 11-30 and 34-51 were presented for examination. In an Office Action dated August 20, 2008, claims 11-30 and 34-51 were rejected. Claim 49 has been amended herein to correct a minor typographical error. No substantive claim amendments are presented herein.

Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

Substance of the Interview

Applicants thank the Examiner for her time in conducting a telephone interview on December 12, 2008. During the telephone interview, Applicants' attorney, inventor Matt Ginsberg, and the Examiner discussed the differences between the claimed invention and the Podrazhansky reference. Specifically, Podrazhansky does not teach or suggest a schedule of tasks. Rather, Podrazhansky is concerned with deriving a staffing requirement given a forecasted workload. The Examiner expressed a desire to see these arguments in writing so that she may further consider them before issuing an Advisory Action.

Response to Rejection Under 35 USC 102(e)

The Examiner rejected claims 11-30, 34-51 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0052770 to Podrazhansky et al. ("Podrazhansky"). This rejection is traversed.

Claim 11 recites a scheduling system for generating a schedule of tasks for a project comprising “a load leveler subsystem configured … to generate a proposed schedule of the tasks responsive to fluctuations of resources utilized to perform the tasks;” and “a cost minimizer … for modifying the proposed schedule responsive to resource fluctuations and its associated cost.” These features of the claimed invention are beneficial because generating and modifying a proposed schedule of tasks responsive to resource fluctuations results in increased efficiency and lower cost compared to conventional scheduling systems. See, Applicants’ Specification, paragraphs 9-11.

Podrazhansky fails to disclose or suggest at least the features of generating or modifying a proposed schedule of tasks. Podrazhansky is not concerned with scheduling tasks for a project. Rather, Podrazhansky is directed to solving a different problem: given a forecasted workload volume, what staffing is needed and how much will it cost? *See* Podrazhansky, FIG. 1, paragraphs 32, and 53-54. Thus, Podrazhansky’s derived “schedule” is a schedule of the staffing requirement to satisfy the forecasted workload. Paragraph 32. As such, Podrazhansky does not disclose or suggest generating or modifying a proposed schedule of tasks, as recited in claim 11. Therefore, for at least these reasons, the rejection of claim 11 under 35 USC § 102(b) based on Podrazhansky is improper and should be withdrawn.

The remainder of the independent claims, claims 17, 34, 37, 43, and 50, variously recite generating or modifying a proposed schedule of tasks for a project. Claims 37, 43, 50 further specify that the proposed schedule of tasks are for constructing a ship, which is one example of a project. Therefore, all arguments advanced above with respect to claim 11 apply equally to claims 17, 34, 37, 43, and 50, as well as the claims that depend from them.

In addition, claims 12-30 and 34-51 recite other patentable features which further distinguish them from the prior art of record. Applicants submit that claims 12-30 and 34-51 are patentable over the prior art of record for the reasons detailed above, in addition to the further patentable limitations recited therein.

Conclusion

In sum, Applicants respectfully submit that all claims now pending are patentable over the cited references for at least the reasons given above, while not necessarily conceding any contention not specifically addressed. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
BAKER ET AL.

Date: December 15, 2008 By: /Robin W. Reasoner/

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